



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,681	07/25/2000	David A Reams	PHLY-25,394	9354

25883 7590 07/21/2004

HOWISON & ARNOTT, L.L.P  
P.O. BOX 741715  
DALLAS, TX 75374-1715

EXAMINER
----------

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/625,681

**Applicant(s)**

REAMS, DAVID A

**Examiner**

KIEU-OANH T BUI

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Abstract*

1. The (pre-amended) abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### *Claim Rejections - 35 USC 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

*(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

*The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).*

3. Claims 14-15, 17-22, 26-35, 40-45, and 48-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Nadan (U.S. Patent No. 5,321,750/ or "Nadan" hereinafter).

Regarding claim 14, Nadan discloses "a method for retrieving product information including at least product/service identification or description and related to a commercial event and associated with a remote location on a communications network, comprising the steps of: receiving at a user location a broadcast including a data set associated with the product information, extracting the data set from a non-video portion of the broadcast in an extracting system; and operating a connection device to connect the user location to the remote location on the network in response to extracting the data set to enable retrieval of the product information

from the remote location”, i.e., users at remote location (as shown in Figs. 1 & 16) can access or remotely retrieve product information including at least identification or description related to a commercial event as well as extracting data from a non-video portion of the broadcast associated with product information (col. 3/lines 38-57, col. 4/line 33 to col. 5/line 6, and col. 6/lines 30-50; Fig. 2 for stream data with encoded signals, and Fig. 6 for an decoder for decoding and extracting information from the stream data and interpreting information identification codes for product information, see col. 8/line 59-col. 9/line 27 & col. 10/line 25 to col. 11/line 17).

As for claim 15, in view of claim 14, Nadan discloses “wherein the step of receiving comprises the steps of: generating a reference signal in a receiving device; presenting a reception signal from the broadcast at an input of the receiving device; mixing the reception signal with the reference signal to detect a received signal in the receiving device; demodulating the received signal to output a data stream; and coupling the data stream to a data decoder”, i.e., a reference signal identified as a unique display identification (DID) code presenting and mixing with the reception signal at the receiving device as an enable reception message (shown in Fig. 3A) and the demodulating step occurs (col. 81/lines 5-12) and to a decoder (as shown in Fig. 16 with a DEMOD 630 to a EDAC decoder 640 within a receiving decoder 316 at the user’s location remote from the host CPU 425).

As for claim 17, in view of claim 15, Nadan inherently teaches “wherein the step of presenting a reception signal at an input to the receiving device comprises the step of: locating an RF signal encoded with the reception signal comprising modulation variations in a carrier signal in the broadcast within the range of a detection antenna coupled to an input of the receiving device”, i.e., TV signals are received at the TFC 450 and TV signals regarding as

conventional RF signals equipped with an antenna for receiving the signals (Fig. 16, and col. 38/lines 24-33).

As for claim 18, in view of claim 15, Nadan discloses “wherein the step of mixing the reception signal with the reference signal to detect a received signal in the receiving device comprises the steps of: detecting the received signal by mixing the reception signal and the reference signal in a nonlinear circuit; and outputting the received signal corresponding to a difference between the frequencies of the reception and the reference signals”, i.e., output signals are corresponding to frequencies of the received signals and reference signals (see details in col. 12/line 1 to col. 13/line 33).

As for claim 19, in view of claim 14, Nadan further discloses “wherein the step of extracting comprises the steps of decoding the data set to output the product information in binary data form; coupling the binary data product information to a first memory in a data processor; and executing a first program of instructions to process the product information and send it to the connection device”, i.e., data is decoded to digital data or in binary data form using a A/D decoder and the information data is storing in a memory of a processor for processing, and the update data is processed and sent to the user’s device (Fig. 6, and col. 10/line 35 to col. 11/line 26).

As for claim 20, in view of claim 14, Nadan further discloses “wherein the step of operating comprises the steps of: receiving and reading the product information from the extracting step; and executing a second program of instructions to establish a communication connection between the user location and the remote location using information read from the product information”, i.e., the connection between the user location and the remote location is

Art Unit: 2611

established as soon as the received information DID codes from the product information match with the code stored in the receiving device, the update data can be retrieved and displayed on the user's device (col. 10/line 42 to col. 11/line 26).

Regarding claims 21-22, and 26-27, these claims for "a method for retrieving product information including at least product/service identification or description and related to a commercial event and associated with a remote location on a communications network, comprising the steps of: receiving at a user location a broadcast including a data set associated with the product information, the signal embedded in a widely disseminated communication from a source to numerous user locations having a device for retrieving the signal; extracting the data set from the signal in an extracting system; and operating a connection device to connect the user location to the remote location on the network in response to extracting the data set to enable retrieval of the product information from the remote location" are rejected for the reasons given in the same scope of claims 14-15, and 17-20 as already discussed above.

Regarding claim 28, Nadan discloses "a system for retrieving product information related to a commercial event and associated with a remote location on a network, comprising: a receiver at a user location for receiving a broadcast including a data set associated with said product information; an extracting system for extracting said data set from a non-video portion of said broadcast; and a connection device for connecting said user location to said remote location on said network responsive to extraction of said data set to enable retrieval of said product information from said remote location", i.e., users at remote location (as shown in Figs. 1 & 16) can access or remotely retrieve product information including at least identification or description related to a commercial event as well as extracting data from a non-video portion of

the broadcast associated with product information (col. 3/lines 38-57, col. 4/line 33 to col. 5/line 6, and col. 6/lines 30-50; Fig. 2 for stream data with encoded signals, and Fig. 6 for an decoder for decoding and extracting information from the stream data and interpreting information identification codes for product information, see col. 8/line 59-col. 9/line 27 & col. 10/line 25 to col. 11/line 17).

As for claim 29, in view of claim 28 above, Nadan discloses “wherein said data set comprises connection information encoded in a unique code” and “wherein said unique code comprises a universal product code” and “wherein said unique code comprises a machine readable code”, i.e., codes are unique, universal and readable as computer routines can execute codes and they are assigned uniquely and universally to each individual user, not to only one person (col. 8/line 33 to col. 9/line 27).

As for claim 32, in view of claim 28, Nadan shows “wherein said broadcast comprises: a widely disseminated communication from a source to numerous user locations having a said receiver” (Fig. 1, and col. 8/lines 33-47).

As for claim 33, in view of claim 32, Nadan shows “wherein said widely disseminated communication comprises: a printed publication having said data set encoded therein as indicia” (shown in Fig. 7C as indicia of broadcasted or printed publication data).

As for claim 34, in view of claim 32, Nadan suggests “wherein said widely disseminated communication comprises: an electronic broadcast having said data set encoded therein as audio” (Figs. 7A-7C for video and TV information including update data can be transmitted at the same time for providing stream data in MPEG or video and audio information, col. 11/line 54 to col. 12/line 61).

As for claim 35, in view of claim 28, Nadan discloses “wherein said receiver comprises: a device adapted to selectively retrieve said signal from among other signals in said widely disseminated communication; and an output circuit for coupling said retrieved signal to said extracting system” (Figs. 1, 6 & 16 for receiving device, with an output circuit as shown in Fig. 6 for decoding the received signal for viewing at the user’s device).

As for claims 40-49, Nadan discloses these claims for the steps of “wherein said extracting device comprises: a data receiving device, comprising: a data decoding device for outputting said data set extracted from said broadcast and expressed in binary form; and a data processing unit having a data input for receiving said data set, first and second memories, a communication terminal and operating according to a program of instructions”; “wherein said first memory comprises a random access memory for storing said data set received at said data input”; “wherein said second memory comprises a read only memory for storing said program of instructions”; “wherein said data processing unit comprises a microprocessor operable according to said program of instructions to store said data set and send connection information from said data set to said connection device upon a user command” (see Nadan, Figs. 1, 6, 9, 10, 16, and earlier claims) as well as “wherein said connection device comprises: a communication device responsive to a user command for establishing a connection via said network between said extracting system and said remote locations; and a device for relaying a response, wherein said response having at least product/service identification information and consumer identification information” (user sends or commands a request for the update data to the host or system, col. 3/lines 38-58); “wherein said connection device comprises: a communication device for establishing a connection via said network between said extracting system and said remote



location” (Figs. 1 & 16); “wherein said communication device comprises a bi-directional communication interface operable to establish said connection according to a predetermined protocol” (col. 6/lines 8-50 for alternative protocols for having bi-directional interface for connection); and “wherein said remote location comprises: a service center computer for receiving and validating said response data set and forwarding said connection between said extracting system and a vendor location coupled to said network” (Fig. 16/item 425 for a host CPU as a service center computer for operating the entire system).

***Claim Rejections - 35 USC 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nadan (U.S. Patent No. 5,321,750) in view of Tsinberg (U.S. Patent No. 4,873,567).

Regarding claim 16, in view of claim 15, Nadan does not mention “wherein the step of generating a reference signal in a receiving device comprises the step of: activating a local oscillator having a predetermined frequency and amplitude to provide a heterodyning signal”; however, such a technique of activating a local oscillator having a predetermined frequency and amplitude to provide a heterodyning signal is well-known in the art. In fact, Tsinberg in an HDTV enhancement system teaches an exact same technique (Tsinberg, Fig. 3 and col. 7/lines 3-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nadan's system with a known technique as taught by Tsinberg in order to clarifying the step of generating a reference signal using an oscillator for providing a heterodyne signal for constructing enhancement signals as disclosed by Tsinberg.

6. Claims 23-25 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadan (U.S. Patent No. 5,321,750) in view of Ring et al. (US Patent No. 6,460,768 B2/ or "Ring" hereinafter).

Regarding claims 23-25, Nadan does not mention the steps of "wherein the step of generating a reference signal in a receiving device comprises the step of: activating a light source to provide a coherent light beam having a predetermined wavelength and intensity to provide an incident signal"; "wherein the step of presenting a reception signal at an input to the receiving device comprises the step of: locating a printed indicia encoded with the reception signal comprising the reflected variations in light beam intensity resulting from scanning the printed indicia in the widely disseminated communication within the range of a detection device coupled to an input of the receiving device"; and "wherein the step of mixing the reception signal with the reference signal to detect a received signal in the receiving device comprises the steps of: detecting the received signal by placing the reference signal in incident relationship upon the printed indicia containing the reception signal; and outputting the received signal corresponding to reflected variation in light intensity resulting from scanning the printed indicia" as well as "wherein said receiver device comprises a circuit tuned to detect optically distinguishable indicia in a printed publication" and "wherein said circuit comprises a scanning device for reading a

Art Unit: 2611

machine readable code”; however, these limitations are well-known in the art of scanning as a printed indicia can be read by an optical detected device such as a scanner, which is used for detecting the printed indicia or a printed bar code by activating a light source to provide a coherent light beam having a predetermined wavelength and intensity to provide an incident signal (Fig. 1, and col. 1/lines 10-67, col. 3/lines 13-19, col. 4/line 66 to col. 5/line 16, col. 13/line 39-53; and col. 18/line 40 to col. 19/line 38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to simply incorporate well-known features of a scanner light detector as taught by Ring, widely used at Point Of Sale POS terminals in commercial markets, into Nadan’s system in order to provide the product information readable at the vendor’s site to a remote location as taught by Nadan.

7. Claims 23-25 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadan (U.S. Patent No. 5,321,750) in view of Hylton et al. (US Patent No. 5,708,961/ or “Hylton” hereinafter).

Regarding claims 36-37 and 46-47, in further view of claim 35, Nadan does not further address the steps of “wherein said device comprises: a radio tuner for demodulating a received radio broadcast” and “wherein said radio tuner comprises a circuit tuned to receive a radio, television, cable, fiber optic or satellite broadcast” as well as “wherein said network comprises a global communication network” and “wherein said communication device comprises a telephone dialer operable to establish said connection by dialing a response telephone number extracted from said data set”; however, Hylton already teaches to have these features within Hylton’s

Art Unit: 2611

wireless on-premises video distribution as the user's set top device includes a tuner for tuning and receiving either radio broadcast or cable, television, satellite broadcast in digital broadband networks and the set top can be even operated or coupled to a telephone dialer for establishing a communication connection if desired (Hylton, Figs. 1, 4-5, and 6, and col. 3/line 27 to col. 4/line 6 for details on these features; and col. 13/line 50-col. 15/line 65 for different connection of the terminal and networks, and col. 40/line 38 to col. 48 for telephone dialing connection).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nadan's system with Hylton's disclosed teaching technique in order to obtain an enhanced and modified version of a system that provide a variety of services including video and audio services via different communication medium as taught by Hylton.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kotreski et al. (US Pat. No.5,563,892) disclose a method of upgrading the program transport capacity of an RF broadcast channel.

Rhoads (US Pat. No.6,381,341 B1) discloses a watermark encoding method exploiting biases inherent in original signal.

Rhoads (US Pat. No.5,862,260) discloses a method for surveying dissemination of proprietary empirical data.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui  
Art Unit 2611  
July 14, 2004



**KRISTA BUI  
PATENT EXAMINER**